

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

New Claims 28-30 have been added. Claims 1-27 have been previously presented. Claims 1-30 are active in the application.

Applicants' invention pertains to a pluggable video module (PVM) and a cage into which the PVM is inserted. The PVM processes digital video signals. The shape of the PVM can be similar to the shape of other modules that are incapable of processing digital video signals. Thus, in addition to the PVM, Applicants invented a way of preventing the other look-alike modules from being plugged into the cage of the host device. Applicants incorporated a key slot on the PVM and a key tab on the cage. The key slot of the PVM accepts the key tab of the cage. If the module does not have a key slot, then the key tab of the cage will prevent the module from plugging into the cage of the host device. Independent Claims 1, 14, 26, and 27 are directed to the PVM. Independent Claim 24 is directed to the cage. Independent Claim 25 is directed to the combination of the PVM and the cage. Each independent claim is addressed below.

Independent Claim 1 recites a PVM having a housing, a locking and release mechanism, an electrical connector, an optical connector, and a key slot. The housing has a top, a bottom, a front, and back. The locking and release mechanism is near the front of the housing for securing the PVM to a host device. The electrical connector is near the back of the housing for electrically connecting the PVM to the host device. The optical connector is near the front of the housing for receiving another optical connector. The key slot is on the bottom of the housing and is near the back of the housing for receiving a key tab from the host device. If the module

that is inserted into the host device does not have a key slot, then the module will not be allowed to be plugged into the host device. The key slot has three edges.

Independent Claim 14 recites a PVM having a housing, a locking and release mechanism, a first electrical connector, a second electrical connector, and a key slot. The housing has a top, a bottom, a front, and back. The locking and release mechanism is near the front of the housing for securing the PVM to a host device. The first electrical connector is near the back of the housing for electrically connecting the PVM to the host device. The second electrical connector is near the front of the housing for receiving a third electrical connector. The key slot is on the bottom of the housing and is near the back of the housing for receiving a key tab from the host device. If the module that is inserted into the host device does not have a key slot, then the module will not be allowed to be plugged into the host device. The key slot has three edges.

Independent Claim 24 recites a cage having a top, a bottom, opposite sides, a front, a back, an opening, and a key tab. The opening is near the front of the cage for receiving a PVM. The key tab extends beyond an inside surface on the bottom of the cage. The key tab is formed by raising a cut out portion of the cage towards an inside of the cage. If a module is inserted into the host device does not have a key slot for receiving the key tab, then the module will not be allowed to be plugged into the host device.

Independent Claim 25 recites the combination of a PVM and a cage. The cage includes a key tab. The PVM includes a key slot that is sized to receive the key tab of the cage. The key tab is formed by raising a cut out portion of the cage towards an inside of the cage. The key slot has three edges. If a module is inserted into the host device does not have a key slot for receiving the key tab, then the module will not be allowed to be plugged into the host device.

Independent Claim 26 recites a PVM having a housing, a locking and release mechanism, an electrical connector, an optical connector, a key slot, and pathological circuitry. The housing has a top, a bottom, a front, and back. The locking and release mechanism is near the front of the housing for securing the PVM to a host device. The electrical connector is near the back of the housing for electrically connecting the PVM to the host device. The optical connector is near the front of the housing. The key slot is on the bottom of the housing and is near the back of the housing for receiving a key tab from the host device. If the module that is inserted into the host device does not have a key slot, then the module will not be allowed to be plugged into the host device. The pathological circuitry handles pathological conditions associated with digital video signals. The pathological circuitry includes a capacitor having a value of 4.7uF. The capacitor having the value of 4.7uF helps to enable the circuitry to properly process the digital video signals.

Independent Claim 27 recites a PVM having a housing, a locking and release mechanism, a first electrical connector, a second electrical connector, a key slot, and pathological circuitry. The housing has a top, a bottom, a front, and back. The locking and release mechanism is near the front of the housing for securing the PVM to a host device. The first electrical connector is near the back of the housing for electrically connecting the PVM to the host device. The second electrical connector is near the front of the housing for receiving a third electrical connector. The key slot is on the bottom of the housing and is near the back of the housing for receiving a key tab from the host device. If the module that is inserted into the host device does not have a key slot, then the module will not be allowed to be plugged into the host device. The pathological circuitry handles pathological conditions associated with digital video signals. The

pathological circuitry includes a capacitor having a value of 4.7uF. The capacitor having the value of 4.7uF helps to enable the circuitry to properly process the digital video signals.

Claims 1-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Togami, et al in view of Branch, et al and Kriegisch, et al.

As discussed above, Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Togami, et al in view of Branch, et al and Kriegisch, et al.

The Togami, et al reference discloses a standard Small Form Factor Pluggable (SFP) transceiver. The Togami, et al reference was cited for disclosing every feature of the claimed invention except for “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from a host device.” Thus, the Togami, et al reference lacks the claimed feature of “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be inserted into a host receptacle of the host device having the key tab, and wherein the key slot has three edges,” as recited in Claim 1. Therefore, the Togami, et al reference is not believed to anticipate or render obvious Applicants’ claimed invention as recited in Claim 1.

The Branch, et al reference discloses a standard Small Form Factor Pluggable (SFP) transceiver. The Branch, et al references was cited in the rejection of this Office Action, but it was not discussed how it would be combined with Togami, et al in regard to Claim 1. However, the Office Action mailed August 1, 2005, did apply the Branch, et al reference, the discussion of that reference set forth in that Office Action will be discussed below in this paragraph. The Branch, et al reference was cited for disclosing every feature of the claimed invention except for “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from a host

device.” Thus, the Branch, et al reference lacks the claimed feature of “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be inserted into a host receptacle of the host device having the key tab, and wherein the key slot has three edges,” as recited in Claim 1. Therefore, the Branch, et al reference is not believed to anticipate or render obvious Applicants’ claimed invention as recited in Claim 1.

Branch, et al was cited in combination with Togami, et al for rendering obvious the claimed invention. The Branch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in regard to Claim 1. Thus, Claim 1 is believed to be clearly allowable over these references.

The Kriegisch, et al references was cited in the rejection of this Office Action, but it was not discussed how it would be combined with Togami, et al in view of Branch, et al in regard to Claim 1. However, the Office Action mailed August 1, 2005, did apply the Kriegisch, et al reference, the discussion of that reference set forth in that Office Action will be discussed below in this paragraph. The Kriegisch, et al reference was cited for disclosing “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from a host device.” Applicants are unable to identify the “key slot” discussed in the Office Action. Applicants note that the Kriegisch, et al reference discloses a locking plate 15 (see Figure 1) which mates with dead bolt 32 (see Figure 2) of a lock 14 (see Figures 1 and 2). Applicants do not believe that the locking plate 15 and the dead bolt 32 provide a keying function at the bottom and near the back of a PVM. Furthermore, Applicants note that the Kriegisch, et al reference discloses that the plug-in unit 2 is mounted to the base plate 3 via holding means 28 (see Figure 2). Thus,

Applicants believe that the Kriegisch, et al references lacks the claimed feature of “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be inserted into a host receptacle of the host device having the key tab, and wherein the key slot has three edges,” as recited in Claim 1. Therefore, the Kriegisch, et al reference is not believed to anticipate or render obvious Applicants’ claimed invention as recited in Claim 1.

Kriegisch, et al was cited in combination with Togami, et al in view of Branch, et al for rendering obvious the claimed invention. The Kriegisch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in view of Branch, et al in regard to Claim 1. Thus, Claim 1 is believed to be clearly allowable over these references.

However, the Office Action takes the position set forth below:

...[I]t would have been obvious to one having ordinary skill in the art at the time of the invention was made a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be inserted into a host receptacle of the host device having a the key tab and wherein the key slot has three edges since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167

In re Application of Sol Einstein, 8 USPQ 166, 167 (C.C.P.A. 1931) stands for the proposition “that a mere reversal of the essential working parts of a previously patented device, did not constitute invention.” Einstein further states that “[t]he Patent Office holds that the

transposition of these elements is obvious and does not constitute invention.” Thus, if the proposition of Einstein is to be applicable to the present case, the reversal of the essential working parts must result in an operative device. However, in stark contrast to the teachings of Einstein, the reversing of the parts, as suggested by the Office Action, does not result in an operative device. Therefore, the proposition of Einstein is not applicable. Thus, Claim 1 is believed to be clearly allowable over these references.

The suggested device does not work, since the proposed device can not be assembled. The Office Action requires that the working parts be reversed. The working parts called out by the Office Action are the “key slot” and the “key tab.” However, as admitted by the Office Action “Togami et al. does not disclose a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be inserted into a host receptacle of the host device having the key tab. and wherein the key slot has three edges.” The device proposed by the Office Action can not be assembled since the apparatus of Togami, et al does not have a “key slot” or a “key tab” which can be reversed. Thus, Claim 1 is believed to be clearly allowable over the references of record.

Additionally, the Office Action does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Therefore, Applicants believe that the rejection of Claim 1 should be removed, and that Claim 1 should be allowed.

The same arguments as set forth above apply to rejected Claims 2-13, which depend from Claim 1. Accordingly, Claims 1-13 are believed to be clearly allowable over the references of record.

As discussed above, Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Togami, et al in view of Branch, et al and Kriegisch, et al.

The teachings of Togami, et al, Branch, et al, and Kriegisch, et al have been discussed above.

Claim 14, similar to Claim 1, recites a key slot having three edges. Therefore, the Togami, et al reference, the Branch, et al reference, and the Kriegisch, et al reference lack the claimed feature of “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be inserted into a host receptacle of the host device having the key tab, and wherein the key slot has three edges,” as recited in Claim 14. Therefore, the Togami, et al reference, the Branch, et al reference, and the Kriegisch, et al reference are not believed to anticipate or render obvious Applicants’ claimed invention as recited in Claim 14.

Branch, et al was cited in combination with Togami, et al for rendering obvious the claimed invention. The Branch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in regard to Claim 14. Thus, Claim 14 is believed to be clearly allowable over these references.

Kriegisch, et al was cited in combination with Togami, et al in view of Branch, et al for rendering obvious the claimed invention. The Kriegisch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in view of Branch, et al in regard to Claim 14. Thus, Claim 14 is believed to be clearly allowable over these references.

However, the Office Action takes the position set forth below:

...[I]t would have been obvious to one having ordinary skill in the art

at the time of the invention was made a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be inserted into a host receptacle of the host device having a the key tab and wherein the key slot has three edges since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167

In re Application of Sol Einstein, 8 USPQ 166, 167 (C.C.P.A. 1931) stands for the proposition “that a mere reversal of the essential working parts of a previously patented device, did not constitute invention.” Einstein further states that “[t]he Patent Office holds that the transposition of these elements is obvious and does not constitute invention.” Thus, if the proposition of Einstein is to be applicable to the present case, the reversal of the essential working parts must result in an operative device. However, in stark contrast to the teachings of Einstein, the reversing of the parts, as suggested by the Office Action, does not result in an operative device. Therefore, the proposition of Einstein is not applicable. Thus, Claim 14 is believed to be clearly allowable over these references.

The suggested device does not work, since the proposed device can not be assembled. The Office Action requires that the working parts be reversed. The working parts called out by the Office Action are the “key slot” and the “key tab.” However, as admitted by the Office Action “Togami et al. does not disclose a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be inserted into a host receptacle of the host device having the key tab. and wherein the key slot has three

edges.” The device proposed by the Office Action can not be assembled since the apparatus of Togami, et al does not have a “key slot” or a “key tab” which can be reversed. Thus, Claim 14 is believed to be clearly allowable over the references of record.

Additionally, the Office Action does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Therefore, Applicants believe that the rejection of Claim 14 should be removed, and that Claim 14 should be allowed.

The same arguments as set forth above apply to rejected Claims 2-23, which depend from Claim 14. Accordingly, Claims 14-23 are believed to be clearly allowable over the references of record.

As discussed above, Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Togami, et al in view of Branch, et al and Kriegisch, et al.

The Togami, et al reference was cited for disclosing “a host cage for receiving a pluggable video module” where the host cage comprises: a top, a bottom, “opposite sides (120),” a front, and a back, an opening proximate the front for receiving a PVM, and “a key tab (111)” extending beyond an inside surface on the bottom of “the host cage (116) whereby the key tab (111) is formed by raising a cut out portion of the host cage towards an inside of the host case.” However, Applicants believe that the only cage disclosed in the Togami, et al reference is disclosed in Figures 3A and 3B, and at column 5, line 37, which identifies numeral designator 200 as “a host port,” and column 7, lines 32-33, which identifies numeral designator 202 as “a host system,” and column 7, lines 57-59, which identifies numeral designator 213 as “a notch or recess that is formed within the port 200 of the host 202.” Column 7, lines 1-8, disclose how the “housing 116 includes an opening at its rear end so as to expose the edge connector 105 and

thereby permit it to be operatively received within a corresponding electrical connector slot (not shown) within a host port 200.” Applicants believe that if anything disclosed in the Togami, et al reference is analogous to a cage it would be the host port 200. Additionally, the housing 116 is part of the optical transceiver module 100 as disclosed in Figures 1, and 2, and at column 7, lines 1-2, and column 7, lines 9-26. The Office Action acknowledges that the Togami, et al reference lacks the feature of a key tab formed by raising a cut out portion of the host cage towards an inside of the host cage. Thus, the Togami, et al reference lacks the claimed feature of “a key tab extending beyond an inside surface on the bottom of the host cage, whereby the key tab is formed by raising a cut out portion of the host cage towards an inside of the host cage,” as recited in Claim 24. Therefore, the Togami, et al reference is not believed to anticipate or render obvious Applicants’ claimed invention as recited in Claim 24.

The Branch, et al references was cited in the rejection of this Office Action, but it was not discussed how it would be combined with Togami, et al in regard to Claim 24. However, the Office Action mailed August 1, 2005, did apply the Branch, et al reference, the discussion of that reference set forth in that Office Action will be discussed below in this paragraph. The Branch, et al reference was cited for disclosing “a host cage (14).” The Branch, et al references discloses that numerical designator 14 is associated with “a mounting bracket,” col. 5, lines 15-19. The Office Action acknowledges that the Branch, et al reference lacks the feature of a key tab. Thus, the Branch, et al reference lacks the claimed feature of “a key tab extending beyond an inside surface on the bottom of the host cage, whereby the key tab is formed by raising a cut out portion of the host cage towards an inside of the host cage,” as recited in Claim 24. Therefore, the

Branch, et al reference is not believed to anticipate or render obvious Applicants' claimed invention as recited in Claim 24.

Branch, et al was cited in combination with Togami, et al for rendering obvious the claimed invention. The Branch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in regard to Claim 24. Thus, Claim 24 is believed to be clearly allowable over these references.

The Kriegisch, et al references was cited in the rejection of this Office Action, but it was not discussed how it would be combined with Togami, et al in view of Branch, et al in regard to Claim 24. However, the Office Action mailed August 1, 2005, did apply the Kriegisch, et al reference, the discussion of that reference set forth in that Office Action will be discussed below in this paragraph. The Kriegisch, et al reference was cited for disclosing a key tab. Applicants are unable to identify the "key tab" discussed in the Office Action. Applicants note that the Kriegisch, et al reference discloses a locking plate 15 (see Figure 1) which mates with dead bolt 32 (see Figure 2) of a lock 14 (see Figures 1 and 2). Applicants do not believe that the locking plate 15 and the dead bolt 32 provide a keying function at the bottom and near the back of a PVM. Furthermore, Applicants note that the Kriegisch, et al reference discloses that the plug-in unit 2 is mounted to the base plate 3 via holding means 28 (see Figure 2). Thus, Applicants believe that the Kriegisch, et al references lacks the claimed feature of "a key tab extending beyond an inside surface on the bottom of the host cage, whereby the key tab is formed by raising a cut out portion of the host cage towards an inside of the host cage," as recited in Claim 24. Therefore, the Kriegisch, et al reference is not believed to anticipate or render obvious Applicants' claimed invention as recited in Claim 24.

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Kriegisch, et al was cited in combination with Togami, et al in view of Branch, et al for rendering obvious the claimed invention. The Kriegisch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in view of Branch, et al in regard to Claim 24. Thus, Claim 24 is believed to be clearly allowable over these references.

However, the Office Action takes the position set forth below:

...[I]t would have been obvious to one having ordinary skill in the art at the time of the invention was made the key tab is formed by raising a cut out portion of the host cage towards an inside of the host case since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167

In re Application of Sol Einstein, 8 USPQ 166, 167 (C.C.P.A. 1931) stands for the proposition “that a mere reversal of the essential working parts of a previously patented device, did not constitute invention.” Einstein further states that “[t]he Patent Office holds that the transposition of these elements is obvious and does not constitute invention.” Thus, if the proposition of Einstein is to be applicable to the present case, the reversal of the essential working parts must result in an operative device. However, in stark contrast to the teachings of Einstein, the reversing of the parts, as suggested by the Office Action, does not result in an operative device. Therefore, the proposition of Einstein is not applicable. Thus, Claim 24 is believed to be clearly allowable over these references.

The suggested device does not work, since the proposed device can not be assembled. The Office Action requires that the working parts be reversed. The working part called out by

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the Office Action is the “key tab.” However, as admitted by the Office Action “Togami et al. does not discloses the key tab is formed by raising a cut out portion of the host cage towards an inside of the host case.” The device proposed by the Office Action can not be assembled since the apparatus of Togami, et al does not have a “key tab” which can be reversed. Thus, Claim 24 is believed to be clearly allowable over the references of record.

Additionally, the Office Action does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Therefore, Applicants believe that the rejection of Claim 24 should be removed, and that Claim 24 should be allowed.

As discussed above, Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Togami, et al in view of Branch, et al and Kriegisch, et al.

The teachings of Togami, et al, Branch, et al, and Kriegisch, et al have been discussed above.

Claim 25, similar to the combination of Claims 1 and 24, recites a key slot having three edges, and a key tab formed in a cage. Therefore, the Togami, et al reference, the Branch, et al reference, and the Kriegisch, et al reference lack the claimed features of “a key tab extending beyond an inside surface on a bottom of the cage, whereby the key tab is formed by raising a cut out portion of the cage towards an inside of the cage,” and “a key slot on the bottom and proximate the back of the PVM sized for receiving the key tab in the cage, and thereby allowing the PVM to be installed into the cage, and wherein the key slot has three edges,” as recited in Claim 25. Therefore, the Togami, et al reference, the Branch, et al reference, and the Kriegisch, et al reference are not believed to anticipate or render obvious Applicants’ claimed invention as recited in Claim 25.

Branch, et al was cited in combination with Togami, et al for rendering obvious the claimed invention. The Branch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in regard to Claim 25. Thus, Claim 25 is believed to be clearly allowable over these references.

Kriegisch, et al was cited in combination with Togami, et al in view of Branch, et al for rendering obvious the claimed invention. The Kriegisch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in view of Branch, et al in regard to Claim 25. Thus, Claim 25 is believed to be clearly allowable over these references.

However, the Office Action takes the position set forth below:

...[I]t would have been obvious to one having ordinary skill in the art at the time of the invention was made the key tab is formed by raising a cut out portion of the host cage towards an inside of the host case since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167

In re Application of Sol Einstein, 8 USPQ 166, 167 (C.C.P.A. 1931) stands for the proposition “that a mere reversal of the essential working parts of a previously patented device, did not constitute invention.” Einstein further states that “[t]he Patent Office holds that the transposition of these elements is obvious and does not constitute invention.” Thus, if the proposition of Einstein is to be applicable to the present case, the reversal of the essential working parts must result in an operative device. However, in stark contrast to the teachings of Einstein, the reversing of the parts, as suggested by the Office Action, does not result in an

operative device. Therefore, the proposition of Einstein is not applicable. Thus, Claim 25 is believed to be clearly allowable over these references.

The suggested device does not work, since the proposed device can not be assembled. The Office Action requires that the working parts be reversed. The working part called out by the Office Action is the “key tab.” The device proposed by the Office Action can not be assembled since the apparatus of Togami, et al does not have a “key tab” which can be reversed. Thus, Claim 25 is believed to be clearly allowable over the references of record.

Additionally, the Office Action does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Therefore, Applicants believe that the rejection of Claim 25 should be removed, and that Claim 25 should be allowed.

As discussed above, Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Togami, et al in view of Branch, et al and Kriegisch, et al.

The Togami, et al reference was cited for disclosing all of the features recited in Claim 26 except for where the “pathological circuitry includes a capacitor having a value of 4.7uF.” The Togami, et al reference was also cited for disclosing “pathological circuitry (16, 18) for handling pathological conditions associated with digital video signals.” However, Applicants believe that the Togami, et al reference does not disclose “pathological circuitry for handling pathological conditions associated with digital video signals,” since at column 1, lines 16-17, the Togami, et al reference teaches that “[f]iber optics are increasingly used for transmitting voice and data signals,” and at column 5, lines 11-14, it discloses that “the circuit board accommodates the transceiver electronics 103 and optics (not shown), although it could be comprised of any circuitry or components depending on the type of module being used.” Applicants believe that

the Togami, et al reference does not teach the use of a transceiver for use with digital video signals, and Applicants further believe that the Togami, et al reference fails to teach the problems associated with transmitting digital video signals through an optoelectronic device and how to solve such problems. Thus, the Togami, et al reference lacks the claimed features of “pathological circuitry for handling pathological conditions associated with digital video signals, and wherein the pathological circuitry includes a capacitor having a value of 4.7uF,” and “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be installed into a host receptacle of the host device having the key tab,” as recited in Claim 26. Therefore, the Togami, et al reference is not believed to anticipate or render obvious Applicants’ claimed invention as recited in Claim 26.

The Branch, et al references was cited in the rejection of this Office Action, but it was not discussed how it would be combined with Togami, et al in regard to Claim 26. However, the Office Action mailed August 1, 2005, did apply the Branch, et al reference, the discussion of that reference set forth in that Office Action will be discussed below in this paragraph. The Branch, et al reference discloses a standard Small Form Factor Pluggable (SFP) transceiver. The Branch, et al reference was also cited for disclosing “pathological circuitry (16, 18) for handling pathological conditions associated with digital video signals.” The Branch, et al reference at col. 5, lines 21-27, and col. 5, lines 46-50, associate numerical designator 16 with electronic circuitry, and numerical designator 18 with a circuit board. The Branch, et al reference does not discuss the pathological condition associated with digital video signals. The Branch, et al reference does not disclose a circuit having a capacitor having a value of 4.7uf so as to solve the problems of properly transmitting and receiving digital video signals. Thus, the Branch, et al reference lacks

the claimed feature of “pathological circuitry for handling pathological conditions associated with digital video signals, and wherein the pathological circuitry includes a capacitor having a value of 4.7uF,” and “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be installed into a host receptacle of the host device having the key tab,” as recited in Claim 26. Therefore, the Branch, et al reference is not believed to anticipate or render obvious Applicants’ claimed invention as recited in Claim 26.

Branch, et al was cited in combination with Togami, et al for rendering obvious the claimed invention. The Branch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in regard to Claim 26. Thus, Claim 26 is believed to be clearly allowable over these references.

The Kriegisch, et al references was cited in the rejection of this Office Action, but it was not discussed how it would be combined with Togami, et al in view of Branch, et al in regard to Claim 26. However, the Office Action mailed August 1, 2005, did apply the Kriegisch, et al reference. The Kriegisch, et al reference has been discussed above. Furthermore, the Kriegisch, et al reference does not disclose an optoelectronic device which transmits digital video signals, and where the device contains pathological circuitry including a capacitor having a value of 4.7uF. Thus, Applicants believe that the Kriegisch, et al references lacks the claimed features of “pathological circuitry for handling pathological conditions associated with digital video signals, and wherein the pathological circuitry includes a capacitor having a value of 4.7uF,” and “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be installed into a host receptacle of the host device

having the key tab,” as recited in Claim 26. Therefore, the Kriegisch, et al reference is not believed to anticipate or render obvious Applicants’ claimed invention as recited in Claim 26.

Kriegisch, et al was cited in combination with Togami, et al in view of Branch, et al for rendering obvious the claimed invention. The Kriegisch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in view of Branch, et al in regard to Claim 26. Thus, Claim 26 is believed to be clearly allowable over these references.

However, the Office Action takes the position set forth below:

[I]t would have been an obvious to one having ordinary skill in the art at the time of the invention was made to have 4.7uF since it was known in the art to use 4.7uF for the benefit of smoothing varying DC supplies.

The Office Action does not cite the source for the knowledge of “4.7uF.” Also, the Office Action does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Therefore, Applicants believe that the rejection of Claim 26 should be removed, and that Claim 26 should be allowed.

As discussed above, Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Togami, et al in view of Branch, et al and Kriegisch, et al.

Claim 27, similar to Claim 26, recites pathological circuitry including a capacitor having a value of 4.7uF, and a key slot. Therefore, as discussed above in regard to the rejection of Claim 26, the Togami, et al reference, the Branch, et al reference, and the Kriegisch, et al reference lack the claimed features of “pathological circuitry for handling pathological conditions associated with digital video signals, and wherein the pathological circuitry includes a

capacitor having a value of 4.7uF,” and “a key slot on the bottom and proximate the back of the PVM for receiving a key tab from the host device, and thereby allowing the PVM to be installed into a host receptacle of the host device having the key tab,” as recited in Claim 27. Therefore, the Togami, et al reference, the Branch, et al reference, and the Kriegisch, et al reference are not believed to anticipate or render obvious Applicants’ claimed invention as recited in Claim 27.

Branch, et al was cited in combination with Togami, et al for rendering obvious the claimed invention. The Branch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in regard to Claim 27. Thus, Claim 27 is believed to be clearly allowable over these references.

Kriegisch, et al was cited in combination with Togami, et al in view of Branch, et al for rendering obvious the claimed invention. The Kriegisch, et al reference provides no teaching to overcome the shortcomings of Togami, et al in view of Branch, et al in regard to Claim 27. Thus, Claim 27 is believed to be clearly allowable over these references.

However, the Office Action takes the position set forth below:

[I]t would have been an obvious to one having ordinary skill in the art at the time of the invention was made to have 4.7uF since it was known in the art to use 4.7uF for the benefit of smoothing varying DC supplies.

The Office Action does not cite the source for the knowledge of “4.7uF.” Also, the Office Action does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Therefore, Applicants believe that the rejection of Claim 27 should be removed, and that Claim 27 should be allowed.

Applicants note that in response to the amendment mailed on September 30, 2005, the Office Action mailed on November 16, 2005, states that "Claims 1, 14, 24-27 are new." Applicants do not agree that Claims 1, 14, and 24-27 are new. Applicants assert that Claims 1, 14, and 24-27 were further defined thus further limiting the scope of the claims, the amendments did not result in the "switching from one subject matter to another."

The second Office Action, mailed on November 16, 2005, introduced a new ground of rejection by citing and applying the Togami, et al reference. Also, the Office Action made the rejection "final."

Applicants note that section 706.07(a) of the MPEP states, in part, the following:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement...

Applicants believe that the amendment mail on September 30, 2005, did not necessitate a new ground for rejection, and Applicants further note that no information disclosure statement was filed with or after the submission of the amendment mailed on September 30, 2005. Therefore, Applicants believe that the final rejection set forth in the Office Action of November 16, 2005, should be withdrawn and made "non-final."

New Claim 28 generally contains the features recited in Claims 1 and 26, and further includes the feature that "the three edges of the key slot form a plane." Support for New Claim

28 is found in the originally filed claims, Figures 2, 4, and 7, and in the paragraph at page 7, pre-numbered line 21, of the amended specification.

New Claim 29 generally contains the features recited in Claims 14 and 27, and further includes the feature that “the three edges of the key slot form a plane.” Support for new Claim 29 is found in the originally filed claims, Figures 2, 4, and 7, and in the paragraph at page 7, pre-numbered line 21, of the amended specification.

New Claim 30 generally contains the features recited in Claims 25 and 26, and further includes the feature that “the three edges of the key slot form a plane.” Support for new Claim 30 is found in the originally filed claims, Figures 2, 4, and 7, and in the paragraph at page 7, pre-numbered line 21, of the amended specification.

For the reasons discussed above in regard to the rejections of Claims 1, 14, 25, 26, and 27, Applicants believe new Claims 28, 29, and 30 define over the prior art of record whether the prior art references are considered singularly or in combination. Therefore, Applicants believe that new Claims 28, 29, and 30 are allowable.

Applicants have made other grammatical and clarifying amendments to the specification.

The above changes to the specification, and claims are self-evident from the original disclosure. Therefore, it is believed that no new matter has been introduced, and no new issues have been raised.

In view of the foregoing comments, it is respectfully submitted that the claims are definite and in condition for allowance. An early and favorable action to that effect is therefore respectfully requested.

Respectfully submitted,

By


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